

2018 W 0994



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AFFIDAVIT FOR SEARCH WARRANT

FILED
CONNA RAY MCKINNEY
DISTRICT CLERK
BEXAR COUNTY

THE STATE OF TEXAS § Google, Inc.

2018 AUG -8 P 2:40

COUNTY OF BEXAR § 1600 Amphitheatre Parkway, Mountain View, CA 94043

DEPUTY

BY *Clairisse Bean*

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath makes the following statements and accusations:

1. There is a suspected place described as and located as follows:

Google Legal Investigations Support
1600 Amphitheatre Parkway
Mountain View, CA 94043

2. At said place you shall search for and, if same be found, seize and bring before me the property described in the affidavit for Google, Inc. Screen / User Names:

Screen Name: JAMES FREEMAN

Associated URL <https://www.youtube.com/channel/UCBKfo8q1NZTPPmcHAbE7Hw>

Believed to be associated with James Springer

3. There is contained within said suspected premises and items constituting evidence of a criminal offense or constituting evidence tending to show that a particular person committed a criminal offense:

All records concerning the identity of the specifics:

Screen Name: JAMES FREEMAN

Associated URL <https://www.youtube.com/channel/UCBKfo8q1NZTPPmcHAbE7Hw>

Believed to be associated with James Springer

to include subscriber registration information, all screen names and user names associated with these accounts, passwords associated with these accounts, email(s) associated with these accounts, all IP addresses / logs associated with these accounts, any and all messages / comments sent or received by

Screen Name: JAMES FREEMAN

Associated URL <https://www.youtube.com/channel/UCBKfo8q1NZTPPmcHAbE7Hw>

Believed to be associated with James Springer

including the subject line and date/time stamps, credit card information (if available), sign-in IP addresses and associated time stamps, video and photo upload IP addresses and associated time stamps, copies of any and all videos and photos and associated video/photo information, email content, and any other user account associated data stored.

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4. Said suspected place is in charge of and controlled by each of the following persons:
Google Legal Investigations Support
1600 Amphitheatre Parkway
Mountain View, CA 94043
5. It is the belief of the Affiant, and he hereby charges and accuses, that: **James Springer** committed the offense of **Obstruction or Retaliation**, in violation of *Texas Penal Code 36.06, a Felony*.
6. Affiant has probable cause for said belief by reason of the following facts:
 - a. Your affiant is Detective Terry Brooks #521, a peace officer in the State of Texas employed by the Leon Valley Police Department. Your affiant has been assigned as a Detective since 2004. Your affiant has extensive training and experience in the investigation of property crimes, financial crimes, illegal narcotic crimes, person crimes, child abuse crimes and child pornography crimes.

On 07/17/2018 your affiant received a request from Leon Valley Police Detective R. Munoz to prepare a search warrant requesting information on the above listed YouTube accounts. On 06/23/2018, and in the days leading up to this date, two YouTube accounts, "Clash with Bao" and "James Freeman", were observed livestreaming themselves and other individuals who were involved in similar activity in and around the City of Leon Valley Police Department. YouTube is a publicly accessible website. During the livestreams of these two account holders, their viewers were posting comments in reference to the livestream. Comments included numerous threats made towards law enforcement. Livestream viewers on these accounts also posted the residence address and personal information of the Leon Valley Chief of Police and his family members. This appeared to be in retaliation for previous arrests of individuals, which began on May 2nd, 2018. During this Obstruction or Retaliation investigation, two individuals were identified who are believed to be in control of the above listed accounts. The "Clash with Bao" YouTube channel is believed to be in control of Bao-Quoc Tran Nguyen (A/M 12/1/82) and the "James Freeman" YouTube channel is believed to be in control of James Springer (W/M 07/29/84).

During the above mentioned live streaming the account associated with "James Freeman" had the personal residence address of the Chief of Police of Leon Valley, Joseph Salvaggio, published to its live stream feed.

As a result of the threats towards law enforcement and the posting of law enforcement personnel's personal information on the above listed YouTube channels, the above listed individuals were arrested for Obstruction or Retaliation.

On 06/23/18, Bao-Quoc Tran Nguyen and James Springer were outside the Leon Valley Police Department at 6400 El Verde Rd participating in similar activity with numerous other individuals. Prior to the arrest, law enforcement officers learned Bao-Quoc Tran Nguyen and James Springer, along with other individuals at the scene, were live streaming on their individual YouTube channels. During their similar activity, Leon Valley police officers arrested Bao-Quoc Tran Nguyen and James Springer. When they were arrested, Leon Valley officers attempted to identify other individuals who appeared to be livestreaming or recording the event.

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7. I am requesting a search warrant for the listed suspect's Google You Tube accounts,

Screen Name: JAMES FREEMAN

Associated URL <https://www.youtube.com/channel/UCBKfo8q1NZTPPmCHAbE7Hw>

Believed to be associated with James Springer

because I believe that messages/comments contained within will show evidence of the listed suspect's involvement in the offense of Obstruction or Retaliation. In my experience, corresponding e-mail between suspect(s) and others may contain information that can assist in identifying a person as well as detailing offenses committed. Often times, people the suspect(s) are communicating with may include the real name, alias, or residence information of the suspect. It is also possible that the suspect(s) may have uploaded pictures of themselves or other identifying information that could lead to a positive identification of the suspect(s).

8. By nature, Google being a Website Internet Company, it is realized that many other individuals, organizations, businesses, and other entities utilize this company's services and have no association with the subject investigation. These other unnamed individuals, organizations, businesses, and other entities may have various amounts of information maintained in various forms with Google Inc. with a reasonable expectation of privacy. It is Affiant's intent that the search conducted at Google Inc. to be as least intrusive as possible to complete this search as it relates to the above listed user name(s) and email address associated with the described offense only. Further, it is the intent to use whatever means or methodology on hand to conduct this search with limited or no interruption of the service provided to these other unnamed individuals. It is for these reasons that Affiant requests that Google Inc. locate and isolate the above-named information on their servers and make a copy of such information in a readable format to provide to Affiant for review as part of this investigation.

8. I seek authorization for civilian assistance from Google Inc., representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Google Inc. files.

9. Google Inc. shall disclose responsive data, if any, by sending to

Leon Valley Police Department
ATTN: Detective Terry Brooks
6400 El Verde Rd
Leon Valley, Texas 78238
t.brooks@leonvalleytexas.gov

using the US Postal Service or another courier service, or by email, notwithstanding 18 U.S.C. 2252A or similar statute or code

10. Furthermore, it is ordered that this search warrant and application be sealed until otherwise ordered by the court and that its agents and employees, shall not disclose the existence of this order or the existence of this *Obstruction or Retaliation* investigation to any person, unless or until otherwise ordered by the court. Such disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, or flee or continue his flight from prosecution.

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11. All information noted in this affidavit for search warrant has been related to Affiant by the person(s) and/or source(s) attributed or referenced. Affiant further believes in good faith that the information provided herein to be true and correct. Because the sole purpose of this affidavit is to establish probable cause that a criminal offense has occurred, not every relevant fact known to me, or to other investigators, is included within. Rather, only those facts necessary to establish probable cause have been discussed

WHEREFORE, based on the facts, circumstances, the training of Affiant and the information noted in this document, Affiant asks for issuance of a warrant that will authorize him to search any and all items listed above.

JB #521
AFFIANT

Subscribed and sworn to before me by said Affiant on this the

7 day of AUGUST, 2018

JEFFERSON MORE
52066
MAGISTRATE, BEXAR COUNTY, TEXAS
186th
DISTRICT
COURT
COURT, BEXAR COUNTY, TEXAS

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SEARCH WARRANT

THE STATE OF TEXAS § Google, Inc.

COUNTY OF BEXAR § 1600 Amphitheatre Parkway, Mountain View, CA 94043

THE STATE OF TEXAS to the Sheriff or any Peace Officer of Bexar County, Texas or any Peace Officer of the State of Texas,

GREETING:

WHEREAS, the Affiant whose name appears on the attached affidavit is a Peace Officer under the laws of Texas and did heretofore this day subscribe and swear to said Affidavit before me (which said Affidavit is here now made part hereof for all purposes), and whereas I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief expressed therein and establish existence of proper grounds for issuance of this Warrant for the offense of **Obstruction or Retaliation** (Texas Penal Code 36.06) ; now, therefore you are commanded to enter the suspected place described in said Affidavit; **Google, Inc.** and to there search for the personal property described in said Affidavit and to seize same, to include;

With Regards to the below listed account;

Screen Name: JAMES FREEMAN

Associated URL <https://www.youtube.com/channel/UCBKfo8q1NZTPPmCHAbE7Hw>

Believed to be associated with James Springer

1. subscriber registration information,
2. all screen names associated with this account,
3. user names associated with this account,
4. passwords associated with this account
5. email(s) associated with this account,
6. all IP addresses / logs associated with this account,
7. any and all messages / comments sent or received by the individual account,
8. credit card information (if available),
9. sign-in IP addresses and associated time stamps,
10. video and photo upload IP addresses and associated time stamps,
11. copies of any and all videos and photos and associated video/photo information,
12. email content, and
13. any other user account associated data stored,

including the subject line and date/time stamps of all data, if available.

Further, you are **ORDERED**, pursuant to the provisions of Article 18.10, Texas Code of Criminal Procedure, to retain custody of any property seized pursuant to this Warrant, until further order of this Court or any other court of appropriate jurisdiction shall otherwise direct the manner of safekeeping of said property. This Court grants you leave and authority to remove such seized property from this county, if and only if such removal is necessary for the

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safekeeping of such seized property by you, or if such removal is otherwise authorized by the provisions of Article 18.10, T.C.C.P. You are further **ORDERED** to give notice to this Court, as a part of the inventory to be filed subsequent to the execution of this Warrant, and as required by Article 18.10, T.C.C.P., of the place where the property seized hereunder is kept, stored and held.

HEREIN FAIL NOT, but have you then and there this Warrant within three days, exclusive of the day of its issuance and exclusive of the day of its execution, with your return thereon, showing how you have executed the same, filed in this court.

ISSUED THIS THE 7 day of AUGUST, A.D., 2018, at
5:50 o'clock P.M. TO certify which witness my hand this day.

JEFFERSON MOORE
~~MAGISTRATE~~ JEORE
Bexar County, Texas
186TH DISTRICT
COURT
BEXAR COUNTY, TEXAS

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RETURN AND INVENTORY

THE STATE OF TEXAS

§ Google, Inc.

COUNTY OF BEXAR

§1600 Amphitheatre Parkway, Mountain View, CA 94043

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certifies that the foregoing Warrant came to hand on the day it was issued and that it was executed on the ____ day of _____, 20____, by making the search directed therein and seizing during such search the following described personal property:

AFFIANT

SUBSCRIBED AND SWORN to before me, the undersigned authority, on

this the ____ day of _____, 20____.

Notary Public in and for Bexar County, Texas

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